



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 11/22/05

AGENDA ITEM 6

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: An Ordinance Amending the Zone District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application PL-2004-0189 Relating to the Oliver East Property

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

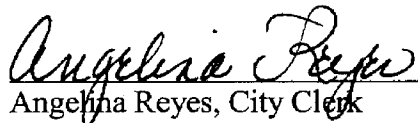
BACKGROUND:

The ordinance was introduced at the November 15, 2005, meeting of the City Council with the following vote:

AYES:	Council Members:	Jimenez, Quirk, Ward, Henson
	Mayor:	Cooper
NOES:	Council Members:	Halliday, Dowling
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on November 19, 2005. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE
CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL
CODE BY REZONING CERTAIN TERRITORY IN CONNECTION WITH ZONE CHANGE
APPLICATION PL-2004-0189 RELATING TO THE OLIVER EAST PROPERTY

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Rezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to rezone a 29.2 acre portion of the property commonly known as Oliver East, from Light Manufacturing ("LM") District and Business Park ("BP") District to Planned Development ("PD") District, identified on the map in Exhibit "A" and incorporated herein by reference. The Assessor Parcel Numbers of the property affected by this zone change are:

APN 456-0097-004 (Only that portion which is shown on the proposed rezoning map and which is included in the Eden Shores East residential project),
APN 456-0097-005, APN 456-0097-006, APN 456-0097-018, APN 456-0097-019,
APN 456-0097-020

The City Council has adopted a companion resolution, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving General Plan Amendment PL 2004-0184 Zone Change Application No. PL-2004-0189 and Vesting Tentative Map PL 2004-0190 TTM 7489, which findings contained therein, are incorporated herein by reference.

Section 2. Severance.

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This ordinance shall become effective immediately upon adoption.

Introduced at a meeting of the Hayward City Council held November 15, 2005, the above-entitled ordinance was introduced by Council Member Henson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on November 22, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: November 19, 2005
Angelina Reyes, City Clerk
City of Hayward